

883. c. 17.

Middlesex scilicet. *Ad General' Quarterial' Session' Pacis Domini Regis, tent' pro Com' Middlesex' prædict' Die Luna in Septem- mano proximo post clausum Paschæ scilicet vicesimo primo Die Aprilis, Anno Regni Domini Georgij nunc Regis Magn' Britan' &c. quarto.*

HIS Majesty's Justices of the Peace for the County of *Middlesex*, Assembled at this present General Quarter-Sessions, being of Opinion, that the Charge this Day given, by *Whitlocke Bulstrode, Esq;* the Chair-Man, to the several Juries now Assembled, is *a very Learned and Useful Charge, and highly tending to the Service of His MAJESTY and His Government*; do, on their own Behalfs, and also at the Request of the said several Juries, desire that the said Mr. *Bulstrode* would be pleased to cause his said C H A R G E to be Printed.

per Curia'

Harcourt.

883. c. 17.

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THE
C H A R G E

O F

Whitlocke Bulstrode, Esq;

T O T H E

G R A N D - J U R Y,

And other JURIES,

OF THE

County of Middlesex.

At the General Quarter Sessions of the Peace,
Held, April 21st, 1718. at Westminster-
Hall.

Printed at the Desire of the Justices of the Peace,
for the County, and of the Grand-Jury, and
other Juries.

L O N D O N :

Printed for J. B R O W N E at the *Black Swan*
without Temple-Bar. M DCC XVIII.



TO
Whitlocke Bulstrode, Esq;
CHAIRMAN
Of this Present
SESSIONS.

We the Grand-Jury,
Sworn to serve on the
Behalf of our Sovereign Lord the King, for the Body
of this County, for this present
Sessions; Do return You our most
Humble Thanks for your Learned and Excellent Charge given
to Us, and the other Juries, on
the First Day of this present Sessions, and desire You will be
pleased

*pleased to cause the same to be
Printed, for the better Informa-
tion and Instruction to Jurors
and Constables in the better
Discharge of their Duties.
And we shall Pray, &c.*

Dated this 25th Day of April, Anno
Domini, 1718.

John Hurst,
Will. Brownejohn,
Andrew Davis,
John Smith,
Edward Kempton,
John Hide,
Joseph Esson,
Richard Marsh,
Joseph Colson,
Nicholas Barret,
Solomon Williams,
John Hunter,

Thomas Milles,
Henry Summers,
Joshua Saunders,
David Tarrant,
James Peade,
William Clifton,
Thomas Lane,
Simon Appleby,
Samuel Pullin,
Richard Ordway,
John Knight.

TO



TO THE
Right HONOURABLE
Sir James Mountague, Knight,

One of the Lords Commissioners of the
Great-Seal; and One of the Honourable
Barons of the Court of Exchequer.

My LORD,

THE Honour of Your Lordship's Acquaintance, for above twenty Years past, gives Me a pleasing Reflection, when I think thereof.

Surely

Dedication.

Surely there is some *Analogy* between our Conversation on Earth, and what we shall have in *the Kingdom of Heaven*; but with *this Difference*, that here we are upon our *Guard*, and *with Reserve*, because we know not Mankind thoroughly; but there we shall be *open and free*; there we shall have an *Intuitive Knowledge* of those *with whom we converse*; we shall see into their very *Hearts*, and be assured they speak from *the Bottom thereof*; we shall see God in his Glory, and one another in the Excellency of Perfection.

A Knowledge in this Life of a particular Science in an eminent Degree, is *for the Honour and*

Dedication.

and Advantage of its Professors; but where an eminent Degree of Knowledge in one's Profession, is accompanied with a good Stock of Polite Learning, and a great Integrity and Probity of Mind, with a proper Courage to exert the same on due Occasions; These are Qualities not often found, even in Men of Eminent Parts and Learning.

I may justly say, from the strictest Observation of your Lordship, since I have had the Honour of being known to You, that this is truly and properly without the least Shadow of Flattery, Your just Character.

a

'Tis

Dedication.

'Tis some Pleasure to me to think, that the *Government* has done itself *that Right*, in placing *your Lordship on the Bench*, where you are an *Ornament*, and a *shining Example of Learning, Virtue and Courage*; *Conduct* and *Courage* being as necessary to a *Judge*, as a *General*; It's one of the best *Means* to secure any *Government*, from *Contempt*, and to give it a *Duration*; to have *such Persons in Courts of Judicature*.

The Want of which, in the Reign of King *James II.* went a great Way tow'rds the *overthrowing* that Prince. I can with more Pleasure look
on

Dedication.

on a Government acting with Honour and Prudence, than on a Private Family that exercises it self with a good Oeconomy. And as I can easily foresee, that a *Rake*, who has a great Estate left to him, will soon squander it away, and be undone; so may one judge of a Government (which is but a Multiplication of many Families living under one Head) that acts not by the Rules of its Constitution and Justice.

Par Justice est affirme Royaume;
Is a good Motto in a Court of Law.

I should not have let the following Charge have come abroad, had I not been press'd to

Dedication.

it, by Gentlemen of great Worth and Honour, whose Request to me, were a Command; Your Goodness, I hope, will overlook its Faults; And if it may be of any Use to those Gentlemen in the Commission of the Peace, whose Education has not led them to the Knowledge of the Law; And to the Ministerial Officers, who are to put the Laws in Execution, against Immorality and Prophaness; I shall greatly rejoice; especially to see this Government settled and continued, without any Fear of Change, on a Protestant Basis and Virtue, which all Men,
that

Dedication.

that have taken Oaths to this Government, and all *Protestants*, will find it their *Interest*, as well as * *Duty*, so to *desire*, and *act* accordingly.

Before the *Elector of Saxony* became a *Papist, and King thereby of Poland*: I think, there were not above 120 *Popish Families*, in and near *Dresden*, his Metropolis: But since his Change of Religion, 'tis said there are now there, near *ten thousand*: The like

* See the Arguments against the *Pretender's Title*, in a Letter touching the late *Rebellion*; wherein is Treated, Of *English Liberties*; Of the Power of Princes; Of the Measures of Obedience of Subjects; and, Of Change of Governments.

Dedication.

like Defection has been in the *Palatinate*, where there is a *Popish Prince* and *Protestant Subjects*. So *vile is Mankind*, to Conform to the Court for Advantage, even against their Consciences. I doubt the Case would be *worse* with us, *here in England*, had we a *Popish Prince*; for I must confess, that *that true English Spirit*, that *English Integrity and Probity*, for which this Nation was heretofore famous, is now quite lost and gone. Men live luxuriously, above their Fortunes, and then they do base and unworthy Actions, to keep up their Port, which may last for a Time, but not long. We however

Dedication.

ever reads the Book, intitled Monsieur Mesnager's *Memoirs*, must needs have a very mean Idea of British Honesty and Integrity, not to mention its Capacity. Its easier to be a *Knave*, and act vilely, than to resist a Temptation, and act up to the Height of Virtue and Honour : There is scarce Virtue enough left us, even to keep out Popery, the very Dregs of the Christian Religion : May the few, the very few good Men, stand in the Breach, and divert the impending Evil ! For a total Defection, of Morals, is a certain Sign of Ruin, to any People.

I beg

Dedication.

I beg your Lordship will
Pardon me, this Interruption
from your weighty Affairs,
and that You will believe
me to be with great Truth
and Deference.

My L O R D,

Your Lordship's

Most Faithful,

and Most Obedient,

Humble Servant.

April the 30th,
1718.

Whitlocke Bulstrode.



[i]

THE
C H A R G E
O F
Whitlocke Bulstrode, Esq;
TO THE
G R A N D - J U R Y
And the other Juries.

Gentlemen of the Grand-Jury,



E are call'd together to this Place, by the Wisdom of our Laws, from the several Parts of this County, to present to Us, what Violations have been made, of the Laws of the Land, by any Persons whatsoever, within the County of Middlesex.

B

I hope

I hope that You, who are to be the Instruments of punishing Malefactors, will be careful to keep the Oath you have taken, viz. *In not omitting your Duty by not presenting Offenders, through Favour, Affection, or Fear*: And that you will not present any Persons for any Faults you think them innocent of, thro' Hatred or Malice.

As he that takes an Oath to give Evidence, swears that he will speak the Truth, the whole Truth, and nothing but the Truth, is guilty of Perjury before God, if he *wilfully conceals any Part of the Truth*; So, Gentlemen, if you know of any Offences, that I shall give you in Charge, and *do not present them*, you will be *equally guilty of Perjury before God*.

The Oath you have taken *to present such Matters as I shall give you in Charge*; does more than Hint to me my Duty, not to omit acquainting you with *a full Accompt* of what Offences you are to Inquire and Present; so that if *Offences committed are not punished*, for want of Presentments, the Fault will lye at your Door, and not at mine.

The Trumpeter that blows the Trumpet, and gives warning, is free from the Blood of Him that is slain: Justice is painted blind; a good Emblem to shew us, that in Judgment we

we are neither to pity the Poor, nor favour the Rich; not to shew Love to our Friends, or Hatred to our Enemies; *to know no Man, in Judgment, not to fear the Face of any Man, that is an Offender, be he never so great.*

When you do your Duty on a Principle of Obedience to God, you are sure of the Divine Protection: But when you positively transgress, or negatively omit it, for Fear or Love of Man; you put your selves out of the Divine Protection, which is Almighty, and trust to Man, who is no better than a broken Reed.

I shall divide my Charge to you, for your better Remembrance, into three General Heads: And then subdivide them into proper Particulars, with as much Brevity, as the Matter will admit.

And to avoid Prolixity, I shall waive ~~your~~
the Definition of some Terms of Art, (which I must necessarily make use of) presuming you understand them by your frequent Service in this Place.

The First Part of your Duty, and what you are to inquire of, is relating to the *Divine Majesty.* First.

The Second, relates to his Vicgerent the Second King.

Third. The Third, to your Fellow Subjects.

As to the First, you are to Inquire and Present all Persons, that are guilty of *Blaspheming the Name of God.*

Blasphemy defin'd. *Blasphemy* is in its general Sense, an Evil-speaking of any one; *Maledicentia*: But by Use and Custom (*the Governour of the Sense of Words*) it is appropriated to an Evil-speaking of God; and sometimes it is taken for profane *Cursing and Swearing.*

By the Law of *Moses*, he that *cursed* his Father or Mother, was to be put to Death, that is, spoke *Evil of, or wish'd Evil to his Father or Mother.*

What an heinous Crime then must it be, and what Punishment does he deserve, that ~~speak~~ *Evil of our great Creator, and most munificent Benefactor, that blasphemes his most Holy Name!*

God himself pronounced Judgment against the *Blasphemer*, and bid *Moses* bring forth him *that cursed*, that he might be stoned to Death, which was accordingly done.

Under this Head, I think profane *Cursing and Swearing, by the Name of God, may be well comprehended; For the Divine Majesty*

Majesty has so adjudg'd it. Blasphemer and Prophane
 Curser, are synonymous Terms in the Lan- Cursing and
 guage of Holy Writ. Swearing.

Had not God forbid this Sin by the *Third Commandment*, the Light of Nature would have told us it were a great Crime : For Reason tells us, that Mankind should have such a *Veneration for the Divine Majesty, our Creator*, as not to use that *Word*, which forms an *Idea of God* in our Minds, but on *solemn Occasions*,

The *Jews* were forbid, on Pain of Death, to pronounce the Great and Tremendous Name of God, *Jehovah*; it was lawful for the High-Priest only to use it, and that but *once a Year*, at the solemn Benediction of the People, at the Feast of Expiation. *Jews.*

The *Turks* when they pronounce the Name of *God*, they put their Hands to their Foreheads, and bow in Reverence to the *Divine Majesty*; they are so tender in this Point, that if they find a Piece of Paper on the Ground, on which the Name of *God* is writ, they take it up and lay it by carefully, that it may not be applied to an indecent Use. *Turks.*

The *Heathens* never did, nor now do im- *Heathens.*
 precate Damnation to themselves; or in their common Conversation curse themselves

selves or others, by the Name of the true or false Gods, unless it be in some Parts of the Coast of Africa, where our Ships passing to the Indies, put in for fresh Provisions: Our naughty Mariners have taught the Natives, with a little English, much prophane Cursing and Swearing, which poor Creatures are taught to think, that such Oaths are an Embelishment to our Language; such is the Vileness of a bad Example.

Christians. Our Saviour has forbid in our common Conversation, all manner of Oaths, and has permitted us in our Affirmations to gain Belief, only a double Affirmative, or a double Negative, and to carry it no farther: If a Man can't be believ'd upon his Word, I am sure he ought not to gain Credit by breaking the Laws of God to attain it.

Influence of Religion. He that has no Awe of the Divine Laws, can have no Check or Restraint to keep him within the Bounds of Truth: No Principle of Honour can be of equal Tye or Force to keep Mankind within the Laws of Virtue and Truth, like that of Religion, viz. the Fear and Love of God: For as for Honour, alas! when the Candles are out, or in Masquerade, Honour is gone; but Virtue flowing from Religion, is chaste in the Dark. Such is the Difference between Religion and Honour.

Is it not an *Astonishment*, that the People of Great-Britain, who yet call themselves Christians, Curse and Damn themselves and others, by the Name of God, in a Morning fasting, in cool Blood, without any Provocation?

The Jew that was ston'd to Death by the Command of God for profane Cursing, was in a great Passion, was contending with another Person, and might have had some Provocation to Curse, which tho' not excusable, yet might mitigate somewhat the Fault, in respect of humane Frailties.

But many Christians in their common and ordinary Conversation, invoke God to damn them, when they ask what o'th' Clock 'tis, or even one how the other does.

The most senseless Practice in the World, and which nothing but the *Excess of Folly and Wickedness* cou'd make Mankind ever be guilty of.

Oh! that the Christian Religion, which is the best Religion in the *World*; and that this Nation, which is the purest Part of the Christian Church, shou'd have such *Miscreants* for its Professors!

The Sin of profane Cursing and Swearing is so very great, and become so general amongst

*amongst the common People, the Soldiery and
Mariners, Hackney-Coachmen and Car-
men especially, that 'tis much to be fear'd,
if there is not some stop put to it, it will
draw down Vengeance from Heav'n upon us :
No wonder that our Ships so often miscarry,
when our Mariners curse and damn them-
selves through the Sea to Hell.*

When the moral *World* is so much out of Order, why should we expect a *Calm* in the *Material*? The *Storm* arose for *Jonah's* sake, and even the Heathen idolatrous *Mariners*, (who did not Curse and Swear as ours do in a *Storm*, but call'd upon their several *Gods*) by the Light of *Nature* found out the Cause by the Effect, and adjudg'd *Jonah's Crime* to be the Cause, before God's Providence had confirm'd it.

Why should not the *Elements* made to serve us, oppose and resist our *Designs*, turn their Point and Edge against us, when we rebel against their *Creator* in so vile a Manner, as by blasphemous Oaths and Curses, even affront the Divine Majesty to his Face ?

An habitual Swearer is a common Nuisance to the Place where he lives, worse than a Dunghill before one's Door.

He has no right to Credit, in whatever he says or Swears : This Sin comes not alone,

alone, for these People let themselves loose to *Lewdness and other Vices* in the highest Degree.

They breath *Contagion* where-ever they come, they defile Humane Bodies by their corrupt and filthy *Emanations*, and they taint humane Souls by their execrable Oaths and Curses, which is the worst Sort of *Plague*.

For the *common Plague* infects only the *Body*, which is only the Case or Instrument of the *Soul*; but these Miscreants taint even the *Soul*, the very Man himself, for the *Soul is the very Man himself*; they teach by their vile Example, even Women and Children to Curse and Swear.

There are particular Laws provided against this great and crying Sin.

This Statute gives a Shilling for every prophane Oath or Curse.

Penalty on
prophane
Swearing
and Cur-
sing.
21 Jac. I.
c 20.

This Statute confines the Penalty of 1 s. 6 & 7 Wil. to Day-Labourers, Servants, common Soldiers and Seamen; and every other Person is to pay Two Shillings for the first Offence, for the Second double, for the Third treble; the Prosecution of which, is to be within ten Days after the Offence committed: You see what Penalty the Law hath

put upon these Offenders; if you have any regard for your Country, for the honour of God, or for your own Souls, set your Faces against this Sin.

You ought to complain of these vile Wretches to the Magistrates, that they may be brought to condign Punishment; so that where the love of Virtue cannot restrain them, the fear of Punishment may.

Church De-
faulters. You are to present Persons that do not come to Church, or to some religious Meeting allowed by Law, *every Lord's Day*; for the Act of *primo Elizabethæ*, which gives one Shilling a Sunday for absenting from the Church, is not taken away by the Toleration Act of *1 W. and M.*

Trade on
Sundays. Present all that follow their Trades on the Lords Day, except in cases of *Necessity or Mercy*; for God hath reserved to himself a *seventh part* of Time for his peculiar Service, and publick Adoration; and in infinite Goodness, hath indulged us *six Parts in seven* for our honest secular Affairs: Remember that God himself gave Judgment to stone the Man to Death, that gather'd Sticks on the *Sabbath Day*: Now tho' our Saviour both by his Example and Doctrine, has abated of *the rigour of that Law*, and justly exposed the folly of *the Jews* in their *superstitious observance of that Day*, so as to deny *Mercy*

Sundays
Holy.

Mercy to a Man on that Day, and at the same time to exercise it to a Beast ; and tho' the seventh Day is transferr'd to the first Day of the Week, yet the Morality of that Law is *Eternal*, and binds not only Christians, but the whole Race of Mankind *duly inform'd*, to set apart a seventh Portion of Time for the more solemn Service of God : And they who exercise their Trades, or Employments, on that Day, except in Acts of Necessity or Mercy ; or spend their Time that Day in Sports or Games, (gaming Assemblies especially) or in vain Diversions, may justly be said to be guilty of *Sacrilege*, *in robbing God of the publick Honour*, more particularly due to his Majesty *that Day*.

The *World* sticks too close to us, by our six Days Conversation with it, and 'tis well if we can divest our selves of it, if with Sincerity we apply our selves more intensly to the Busines of our eternal Welfare on *the seventh Day.*

That great Man, the Lord Chief Justice Hale, made it his Observation, that the more strictly he kept that Day, the better Success he had the Week following.

Try the Experiment of it in your own Families, and you will find the same Effect as he did; for God is *no Respecter of Persons*,

but exercises the same providential Goodness, to all that equally love and obey him.

*Heathens.
keep the
5th Day
holy.*

The *Heathens in Malemba, on the Coast of Africa,* keep every *fifth Day holy;* And cannot we Christians afford to keep the seventh Day so?

*Immora-
lity.*

You are to take care, that the Laws be put in execution against Immorality and Profaneness, as the Proclamation directs.

Religion.

Take care of *Religion, and suppress Vice:* Present the Authors of Books writ against Religion; As for Atheism, such as that of *Spi-nosa,* and other detestable Authors, or that are *contra honos Mores,* or that revile the *Scriptures;* Authors that deny their *Creator,* and yet *swear by him;* Or if they acknowledge a God, they confine his Majesty to Heav'n, and exclude a Providence, or that God governs the World, or presides over *Humane Affairs.*

Whereas the *Scriptures assert,* and good Sense attests, that not a Sparrow (one of the lowest in value of the Animal Creation) falls to the Ground, without a *permissive or directive Providence.*

For what can be difficult to an Almighty Power, or what too low for infinite Goodness?

If you can't find the Authors, present the Publishers or Printers of them.

Zeal in these Matters, will never sink or deprave it self into *Superstition*: A *Luke-warmness* herein is a very great *Sin*; a sort of *Indifferency* for the Honour of God, for which there can be no excess of *zeal*.

Gentlemen,

You will not act so in your own Affairs; Have but the same *zeal* for the *Creator of the World*, as you have for the *World*, and you will not act amiss; tho' the Ballance ought to turn on the *Creators Side*.

Perjury is to be inquir'd into, which is a *Perjury* very heinous Crime, both with respect to God and Man.

To God. For he that takes an Oath Judicially, calls God to attest or witness, that what he says is Truth.

Now to invoke the God of Truth to attest or witness a Lye, is the greatest Affront both to the Purity and Truth of the Divine Majesty imaginable.

To Man. For *Perjury* tends to pervert Justice, by which every Kingdom is establish'd, nor can any subsist without it.

Suborna-

Suborna-
tion.

Subornation of Perjury, is a great Crime, for he that suborns a Man to commit *Perjury*, acts the Part of the *Devil*, in tempting one to commit a great Sin —— Present such Offenders.

Forgery.

5 Eliz.
c. 14.

Forgery is to be inquir'd into, (which is generally a *Concomitant with Perjury*) punishable both at common Law, and by the Statute of 5 Eliz. and has two Divisions. *First*, its the *falsly forging or making, or assenting to the forging or making of any intire Deed, Court-Roll, or Will of any Person; to the intent the Free or Copy-hold Estate of any Person may be molested.* *Secondly*, the *razing or altering a Deed after it is executed, in a material Point, is within the Statute.*

The *publishing such a Deed, or Will, as true, knowing the same either of his own Knowledge or Relation of another, to be false and forged,* is by another Branch within this Statute.

If A, aliens an Estate to B, and afterwards aliens the same Estate to C, with an antedate to the Deed of B, he is a forger within the Statute.

Punish-
ment.

The Punishment is *Pillory, cutting off his Ears, slitting his Nostrils, searing them with*

with an hot Iron; forfeiture of Lands for Life, and Imprisonment for Life for the first Offence, and Felony for the second, after Conviction for the first.

These Faults are the more heinous, and consequently deserve the greater Punishment, because they are committed with great Deliberation, and are always Sins of *Wilfulness and Presumption*, therefore the more carefully to be presented.

This Crime was frequent before 5 Eliz. Reason of the Act.
but the Punishment being so Remarkable,
has deterr'd Men from the frequency of its
guilt.

*Thus wise Laws duly executed, prevent
much Evil.*

As for Witchcraft, Sorcery or Inchantments, which were anciently the common Topicks under this Head of Offences against God, by the Learned of old : I shall not trouble you with them, there being no such Practice now, blessed be God within this Kingdom.

And so much for my first general Head of Offences against God.

The Second General Head relates to the King.

And

And under this Head you are to inquire
High Treason, and the several Parts of it.

*High Treas-
son.* Before the 25th of Ed. 3. what was *High-
Treason* by the Common Law, was very un-
certain; but that Statute hath reduc'd the
several Species of *High Treason* to a Cer-
tainty.

They are of four Kinds.

*Viz. First, What concerns the King and
his Royal Family.*

*Secondly, What concerns his Officers in
the Administration of Justice.*

Thirdly, What concerns his Seal.

Fourthly, What concerns his Coin.

1. *As to his Majesty and Royal Family.*

*Compassing
the Death
of the King.* To compass, or even imagine the Death
of the King, Queen or Prince, and declar-
ing the same by some Overt-Act, is High-
Treason.

This Law comes the highest to the Divine
Law, of any of our Laws; for the Divine
Law punishes the *Evil Thoughts*, and *Evil
Intentions of the Heart*: For from thence
is the Spring of all our Actions, and God
sees

sees them as plainly before they break out into Overt-Acts, as Men see them when they do. The *Overt-Act* is but the *Means* whereby the *Wickedness of the Heart* is known and discover'd by the short Capacity of Man; but the Sin is in the Thought or Intention of the Heart, to contrive the Death of the King.

The King is the Life and Soul of the Kingdom, therefore the utmost Care is to be taken for the Preservation of his Royal Person; and especially at this time, when *Apprentice Boys* pretend to determine the Title and Right of Kings, and are blown up by the Disturbers of our Peace, into such an height of Enthusiasm and Madness, into such a desperate Wickedness, as to think it lawful to murder his Majesty, whom God's Providence, and the Laws of the Land hath blest us with being our King:

A King, who has made the Laws of the Kingdom the Rule of his Government, and done no Act of Violence to the meanest of his Subjects.

Is it not an unaccountable Thing, that Men who pretend to be Protestants; To love our Religion, Laws and Liberties, should yet be so for a *popish King*? Whom, whenever for our Sins, God suffers such a Prince to rule over us, with him will come in—*Superstition and Idolatry, Slavery, Oppression and Tyranny*, and I shall be contented when I am dead to have that Sentence writ on my

D

Tomb

Tomb—with a—*Hic Jacet Author hujus sententia.*

Have a care of the *Lives of the Prince and Princess*, in whose Preservation, next to that of the King, the Safety and Joy of the Nation, under God, consists.

*What O-
vert-Acts.* Declaring by an open Act, a design to Depose or Imprison the King, is an Overt-Act to manifest a compassing of his Death; For the Prison and Graves of Princes, lie close to one another.

Conspiring the Death of the King, and providing Weapons to effect it; or sending Letters to second it; assembling People to take the King into his Power, writing Letters to a foreign Prince, inviting to an Invasion, are Overt-Acts. Words put into Writing, are an Overt-Act of Compassing, but bare Words are not.

*2d Part of
1 Branch
levy War.* To levy War against the King, is another Species of High Treason, but what is levying of War, needs some Explication.

What. A raising a Force to burn, or throw down a particular Inclosure, is only a Riot; but if it is to go from Town to Town, and cast in all Inclosures; Or to change Religion; Or to enhance the Sallaries of Labourers; These are respectively by construction of Law, A levying of War, because the Design is General.

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L 473
So the *London* Apprentices breaking of Keyl. 72.
Prisons, was adjudged a *levying of War.* 1 Vent.
251.

Holding a Fort or Castle against the King's Forces, is a *levying of War.* 3d Part of
1st Branch.
Adhering
to the
King's E-
nemies
what.

The third Species of Treason under the first Head, is *adhering to the King's Enemies*, which is explain'd by the Statute it self; and that is — A giving them *Aid*, within the Land or without.

The Word *Adhering*, needs some farther Explication; the writing and sending the Secrets of the King to the *Enemy*, is adjudged an adhering to the King's Enemies; tho' delivery not proved, if put into the Post-Office; to be sent beyond Sea, as was lately 6 Anne. adjudged in Gregs Case.

Surrendring the King's Castle or Fortres for a Reward to an Enemy, is likewise an *Adhering*.

But who an *Enemy*? Who.]

The King's *Subject* becoming a *Rebel*, is an *Enemy*; but he that Succours him out of the Realm, is not an *Adhering* within this Clause.

D 2

There

There are some other Species of *High Treason* relating to the Royal Family, within 25 E. 3. which because you'll have no occasion to inquire into, I need not trouble you with the Particulars; and therefore I shall apply my self to the other Branches of High Treason mentioned before, which are Treason by *Interpretation only*.

^{2d General.} As killing the *Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, Assize, or of Oyer and Terminer* in their Places doing their Office.

^{3d General.} That which concerns the Great-Seal.

The Counterfeiting the Great-Seal or Privy-Seal, is *High Treason*.

Aiders and Consenters to such Treason, are within this Act.

^{4th General.} The fourth and last kind of High Treason by this Statute, concerns the Coin of his Majesty.

^{Counterfeiting Coin.} The Counterfeiting of which was *Treason* by the *Common Law*; so this Statute, as to this and some other Points, is but in *affirmance of the Common Law*.

But

But the *Clipping, Washing and Filing* of 5 Eliz. the Money of the Realm, or of other Realms allowed to be current here by Proclamation, for Lucre or Gain, tho' its not within 25 E. 3. yet its made High Treason by 5 Eliz.

And so is the *Impairing, Diminishing, Falsifying, Scaling, or Lighting* such Money, by 18 Eliz.

And by the first of Queen Mary, the 1 Mar. 1. forging and counterfeiting Money, made currant by Proclamation, is *High Treason*.

By this Statute the bringing into this ^{1 & 2. P.} Realm from foreign Parts, beyond the Seas, ^{and M.} any false or counterfeit Coin, knowing the same to be false and counterfeit, to the intent to pay away the same; and their Procurers, Aiders and Abettors, are guilty of *High Treason*.

The bare forging the King's Coin, without uttering, was declared High Treason by the Judges, 6 H. 7.

As to *Mill-money*, its High Treason to 8 W. 3. make or assist in making *Puncheons, Edgers,* ^{c. 26.} or other *Tools*, for the coyning of Mill'd-Money.

And so much for the Coin.

There

There are some other Offences of another Nature made High Treason, by preceding and subsequent Statutes.

5 Eliz. c. 1. By this Statute, they that maintain the Authority of the Bishop of Rome by Writing or Printing in the King's Dominions; for the First Offence incur a *Præmunire*, and for the Second Offence (a Conviction being had of the first) if they do it only by Words, its *High Treason*.

13 Eliz. c. 2.
Bulls. The bringing in of *Bulls*, or putting them in Execution, or reconciling any to the See of Rome, is *High Treason* by 13 Eliz.

The *Aidors or Maintainers of such Offenders*, or that maintain the Authority of the See of *Rome* within this Realm, incur a *Præmunire* by the same Law.

And so do they who conceal an offer of *Absolution from, or Reconciliation to the Church of Rome*.

Agnus Dei Beeds, &c. They who bring into this Realm a Thing called an *Agnus Dei*, or any *Crosses, Pictures or Beeds*, from the Bishop of *Rome*, or from any *Persons having Authority derived from the See of Rome*, and shall deliver them to any Subject of this Realm, incur a *Præmunire*.

This

This Statute wisely calls these Things *Vain and Superstitious*, and takes notice that the Pope himself used to consecrate the *Agnus Dei*, and that the other Things were hallowed by Bishops, and Substitutes from the Pope; and that the Pope granted divers *Pardons, Immunities and Exemptions*, to such as should receive and use them.

In the Days of *popish Ignorance*, the foolish People were made to believe, that these Things wore by them, would fright away the Devil and other Evil Spirits; but the true use of them was for the crafty Priests, to gull the People out of their Money for them.

So the crafty Spaniards for broken Glass, Beads and other Trinkets, got Silver and Gold in exchange from the foolish Indians.

By this Statute of the 23 Eliz. the ab-^{c. 1.} 2; Eliz. solving the King's Subjects from their Obedience to his Majesty, or Reconciling them to the Obedience of the Pope, its High Treason in the Reconciler, and Reconciled.

A Popish Priest that is a Native of the 27 Eliz. King's Dominions, coming into this Realm, and not submitting to his Majesty, by taking the Oaths appointed within two Days after his arrival, incurs the Penalty of High Treason, by 27 Eliz.

By

3 Inst.
101. By the same Statute its Felony without
Clergy, to Receive, Retain or Maintain him
knowingly.

These Laws may look severe to those who
are not acquainted with *the History of those
Times.*

*Reasons of
these Laws.* To vindicate therefore the Honour of
the glorious Queen *Elizabeth*, and the Ju-
stice of the Nation : I will inform you of
the Reasons for making these Laws.

Pope Pius the 5th, *Excommunicated Queen
Elizabeth* by a Bull dated in the Year 1569,
whereby he *deposed the Queen, absolved her
Subjects from their Oaths of Allegiance, and
Anathematised*, i. e. cursed these who conti-
nued in Obedience to her Majesty : This Bull
of Excommunication was publish'd in *Lon-
don*; and as for the *Agnus Dei*, Pictures,
Beeds, and such *Roman Trinkets*, they were
used likewise to withdraw the Affections of
those who were attach'd to Rome from their
Allegiance to the Queen.

This that great Man Dr. *Burnet*, late Bi-
shop of *Salisbury*, has made manifest by a
Letter of Secretary *Walsingham's*, which he
has perpetuated in his excellent *History of
the Reformation*, and by a Copy of the Bull
it self.

And

And my Lord Coke in his Treatise of Ecclesiastical Laws, hath confirm'd the same; where he shews, that in Edward the First's Reign, the bringing a Bull of Excommunication from Rome into this Kingdom by one Subject against another, was adjudged High Treason by the Common Law.

This Pope Pius the Vth, was that wicked Author of the Schism in England; for the Christians of all Perswasions here, came to the publick Service of the Church, till the 11th Year of the Reign of Queen Elizabeth; but when that Bull of his came forth that deposed the Queen, those who obey'd the Pope, declin'd coming to our publick Devotions, and ever since the Schism has continued.

Were it not common for the Bishops of Rome thus to do to Protestant Princes, whom they call Hereticks, it were an Impudence in this Pope never to be forgiven: That the Crown of England, which is an Imperial Crown, Subject to none but the Divine Majesty; the Bishop of Rome, that hath no Jurisdiction here, should pretend to take away from the Queen, absolve all her Subjects from their Allegiance, and curse them that paid their Duty of Obedience to her; which besides the Law of Nature, the express Law of God, the Law of the Land, and the Sanction of

an Oath solemnly taken in the Presence of God, they were oblig'd to perform; *Is an Astonishment*: If these Things are not the doings of Antechrist, there never was an Antechrist.

Had the People of *England* been *as wick-ed* as the *Bishop* of Rome, to have obey'd his Decrees, what Bloodshed and Confusion would this Nation have been brought to? There were some Plots and Rebellions occasion'd thereby.

But God preserv'd the *Queen* against all the *Plots* and Attempts of *Popish Princes*, the *Pope*, the *Jesuits*, and *all the rest of their black Crew*, through a course of 44 Years glorious Reign, she having continued stedfast in the *Protestant reform'd Religion*, and trusted in her God:

While at the same Time, God suffer'd *Henry the IIId*, and *Henry the IVth.* of France, *her Contemporaries*, both to be Assassin'd, who were Protestants in their Hearts; but vilely (*Henry the IVth* at least) turned Papist, *in hopes to enjoy the Crown of France more safely*; the one being murder'd by *Clement a Fryar*, and the other by *Ravilliac*.

Thus you see how much *wiser* and better it is to trust in the *Arm of God*, than in the *Arm of Men*. *Excuse this Digression.*

Putting

Putting in Practice to perswade any Person, or to absolve him from his Obedience to the King, or to reconcile a Person to the See of Rome, is High Treason in both; and so it is in all Aiders and Procurers. This Act was made soon after the discovery of the Gunpowder-Treason Plot.

By this Act, it is High Treason to maintain, that the King and Parliament cannot bind the Descent of the Crown.

And so it is, if any Person by Writing or Printing, maintains that the Pretender hath Right to the Crown; and if by Words, the Party incurs a *Præmunire*.

And so much for High Treason.

You are to inquire of *Misprision of Treason*, that is, a Knowledge and Concealing of Treason, and not discovering it; but when the Knowledge and Consent concur, its High Treason: As when one receives and comforts a Traitor knowingly, let him be a counterfeiter of Coins, or any other Species of High Treason, such a one is a Principal; for there are no Accessories in the highest and lowest Offences, as in Treason, nor in Trespass, Riots, Routs, and forcible Entries.

14 Eliz. The counterfeiting of any foreign Coin of Gold or Silver, which is not permitted to be current in this Kingdom, is *Misprision of Treason* by 14 Eliz.

3d Gen-
ral Head. My Third General Head relates to your Fel-
low-Subjects.

25 E. 3. And first for Petty-Treason, by 25 E. 3.
Petty-trea- its Petty-Treason for a *Servant to kill his
son. Master, or a Wife her Husband.*

This Law extends to *Similar Cases*; as when a Servant kills his *Mistress*, that is a single Woman, or his Masters Wife: And where a *Servant* upon Malice taken during his Service, *kills his Master* after departure from his Service; these are Petty-Treason.

So if a Son that receives Meat, Drink, or Wages, from his Father or Mother, kills either of them, its Petty-Treason; for in these Respects, when of *adult Age*, he is look'd upon as a Servant.

Felonies. You are to present all Persons guilty of *Felonies*, as *Murderers, Burglers, Robbers on the High-way, Slitters of Noses, cutters out of Tongues or Eyes, Poysoners, Pick-Pockets, Cut-Purses, Ravishers of Women, burners of Houses, Barns with Corn, Sodomites*, and all other sorts of *Felonies*.

And

And all *accessaries* to these Crimes, both *Accessa-*
before and after the Facts. *ries.*

But whoever are *present and abetting* are *Principals*
Principals; if two or more come to do an ^{who.} unlawful Act, and are present at a Felony committed, tho' one of them *only* doth it, they are all *Principals* in Law.

In some Cases a Person absent may be *Poyson*.
Principal; as he that puts *Poyson* into a Thing to *poyson another*, and leaves it, and is *absent* when taken, he is a *Principal* in Law.

Accessaries before a Felony, are those who *Accessaries*
command or advise a Felony to be done, ^{who.} which accordingly is done in *their absence*. *Before.*

Accessaries after, are those who *know* a *Felony* to be committed, and do not only not *discover it*, (for that is only a Misprision) but *conceal and help the Felony*, either to make his escape, or otherwise assist him.

A Felon fled to his Brothers House, who receiv'd him, and shut the Doors against the Pursuers, adjudged an *Accessary*.

An *Adulterer* advised a Woman to mur- ^{7 R. 9.} der an Infant when born; The Adulterer is ^{Dyer 186.} *Accessary*, tho' at the time of the Advice, the Infant was not in being.

One

One may be *accessary before the Fact*, that commands one Evil to be done, and the Principal does another, E. G. If *A.* commands one to *rob such a Person*, and he attempts to rob him, the Party resists, and they two fight, the Thief kills the other; *A.* shall be *accessary to the Murther*, because in attempting to rob the other, the Thief pursued the *command* of *A.* Then if in pursuance of the *Command* of *A.* and in *execution* of it, another thing ensues, *A.* shall be adjudg'd partaker of it, because his *Command* was the occasion.

5 Anne c. 31. By this Statute, if any *Person* shall receive, or *buy stoln Goods* knowingly, or shall *Receiver of harbour or conceal a Felon*, knowing him to be such, shall be taken as *Accessary to the Fact*, and suffer Death as a *Felon*.

1 Anne. Tho' the *Accessaries* are not to be tried till the *Principal* is *convicted* by *Verdict* or *Outlawry*; yet all receivers of *stoln Goods* by *primo Annæ* knowing them to be *stoln*, may be prosecuted for a *Misdemeanor*, before the *Principal* is convicted.

Forcible Entries, &c. You are to Present all *forcible Entries, Riots, and Breaches of the Peace.*

Libels, &c. The speaking of *ill Words of his Majesty*, for they are punishable at *Common Law.*

The

The King not being within the Statute
of *Scandalum Magnatum*.

Libels that are made publick against the
Ministry, or other great Men ; Present the
Printers and Publishers as well as the Au-
thors.

Present *Nusances* ; for a Nusance is an *Nusances*.
Offence of a publick Nature against the
common Good.

If publick *Bridges* are out of Repair, the *Bridges*.
County must repair them, unless by Pre-
scription private Persons are to do it ; You
may present the County.

So of *High-Ways*, the County of com- *Highways*.
mon Right are to Repair them : You may
present the *Parishes* in which they lie, if they
are not kept in due Repair.

The *scouring* of *Ditches* must be taken *Ditches*.
care of :

All *Nusances* in the *River of Thames*, are *Nusances in*
presentable ; For all publick Rivers, are as *Thames*.
the King's High-way, throwing Filth, or
any Thing else that may annoy Vessels pas-
sing to or fro there, are *Nusances*.

Inquire

Extortion. Inquire whether any Officers are guilty of *Extortion*, by taking *more than their due and allowed Fees*.

Clerk of the Market. Whether the *Clerk of the Market* does his Duty; He ought twice a Year, to summon in all *Weights and Measures*, and break them that are less than they ought to be, according to the Standard. Holy Writ tells us, that *false Measures, and false Weights, are an abomination to the Lord.*

Under-Sheriff. Inquire whether the *Under-Sheriff* performs his Duty, whether he takes more than he ought to do, or *returns Jurors* at the instance of either Party.

Bailiffs. How his *Bailiffs Act*, whether they *Extort*.

Coroners. Whether the *Coroners* perform their Duty.

Constables. Whether *Constables* do theirs; If they neglect to make Presentments, Hue and Cry after Felons; Whether they omit to execute Warrants deliver'd to them, or Watch and Ward.

Goalers: Whether Goalers extort from those unhappy Wretches their Prisoners, or hinder their *Ordinaries* from coming to *Malefactors* to prepare them for another Life.

You

You are to present all *Forestallers*, *Re-*^{Foresta-}
grators, and *Ingrossers*, for these *inhance* the ^{lers, In-}
 Price of *Victuals*. ^{grators,}
^{Ingrossers.}

I hope you will not think it too Minute ^{Cellar-}
 to mention to you, that there are divers ^{Stairs in}
 People that make their *Cellar-Stairs* come
 so far into the Street, that Passengers in
 dark Evenings are in danger of falling in,
 and breaking their Legs and Arms, and even
 their Necks. These are publick *Nusances*,
 an Incroachment in the King's *High-way*,
 which ought not to be obstructed by any one.

And so is the setting of *Forms* or Benches ^{Forms in}
 in the Street, made use of to lay Goods on ^{the Streets.}
 exposed to Sale.

This is a *narrowing and straitning* of the
 King's High-way, whereby the King's Sub-
 jects that pass along the Street are often in
 Danger, and sometimes thrown down by
Hackney Coachmen, who drive furiously for
 a Fair, and loose their Lives thereby.

Gentlemen,

It is your Duty to present these Offenders,
 and ours to punish them for what is past,
 and thereby prevent the Evils for the time
 to come.

F

You

*Bawdy-
Houses,
Ale-Hou-
ses, &c.*

You are to present all *Bawdy Houses* and all Ale houses, Brandy-shops, and other Sellers of Drink that have not Licenses, and those that have, who keep Shovelboard-Tables, Bowling-Alleys, and Nine-Pins ; for these Allurements keep Gentlemens Servants and Apprentices too long from their Master's Service : Here they learn Gaming ; loose their Money ; then rob and pilfer from their Masters or Parents to Recruit ; and by quick Progressions, at last come to the Gallows ; nip this Vice in the Bud.

*Night-
walker.*

Present all *Night-walkers, Men and Women*, that walk the Streets to pick up one another to commit Lewdness on Sight ; a Sin, little less than that of *Sodom*.

*Play Hou-
ses.*
39 Eliz.

Present all *Play-houses* not duly Licens'd by the 39 Eliz. all common *Players* of *Interludes*, are adjudged Rogues, and to be punish'd as such : By that Statute there was a Priviledge given to all Barons of the Realm, and to all other Persons of a greater Quality, to Authorize or Licence Players of Interludes, under their Hands and Seals by way of Exception ; but the Parliament of *England* found that so very inconvenient to the Nation, that that Liberty continued but six Years.

1 Jac. I.
c. 7.

For in the first Year of King *James* the First, that Priviledge was taken away by Act

L 393

Act of Parliament, and to shew the Sense
of the Nation, continued the same. The
Act of 12 Ann. which reduces all the Acts ^{12 Ann.}
touching Rogues, Vagabonds and Vagrants in-
to one: In the Enumerating the several sorts
of Persons call'd Rogues by that Statute,
common Players of Interludes and Juglers, are
reckon'd amongst them as such, and to be pu-
nished accordingly.

So that for 120 Years past, and to this
Day, the Parliament of *England* have, and
do call and esteem these *Common Players* —
Rogues.

'Tis for the Honour of some Gentlemen
that sit here, that have suppress'd some of
them.

*Men should not make themselves Monkeys
to get Money; Or taint the Morals of those
who see or hear them: Its below the Dignity
of Humane Nature; Revere your self is a
good Rule.*

*What Person ever frequented the Company
of the Actors of either Sex, but what was
ruin'd in his Morals, Person and Estate?*

*One Play-House ruins more Souls, than fifty
Churches are able to save.*

Gaming-
Houses.
Common
Gamblers.

All Gaming-Houses and other disorderly Houses, Take care to Present ; and all common Gamblers that draw in young Gentlemen of Fortune ; They ruin many worthy Families ; They are common Nusances, and a Pest to the Nation : When the young Heir, who has a great Estate, and an unequal Wit, has the Misfortune to fall in amongst them, they are so many Horse-Leeches, that suck out the Blood and Vitals of the young Squire or Lord ; who loose as much Money in one Night, nay, at one Throw, as the industrious Ancestor had been gathering together in many Tears.

Drury-
Lane.

Have an Eye to the Drury-Lane Houses, that receive young Women and Gentlemen to commit Lewdness therein ; who being too near the Play-House, have their Minds there tainted by hearing lewd Plays ; when the Mind is once tainted, the Body is soon Prostituted : We have punish'd some of these naughty Houses lately by Fine and Imprisonment, and if the rest will not take warning by them, to reform and amend, they ought to be Extirpated :

I cannot in this Place, but commend those High-Constables who, with the Assistance of other virtuous Men, and good Subjects, have been very instrumental in presenting some of these naughty Houses ; I hope they will go on, and finish what they have so well begun

begun? They may be sure of due Encouragement from this Court; for all good Men shou'd set their Faces against all Manner of Wickedness, and zealously encourage the promoting Virtue and Piety, which so many excellent Persons, to the Honour of this Nation, have so worthily, and successfully applied themselves to.

There are *Masquerades* lately set up, even *Masquerades* in Lent, near these Houses; These are a Scene of Lewdness, A Congress to an unclean End: The Debauchery is here begun, and finish'd in the Neigbourhood.

There is a Law against *Drunkards*; five *Drunkards* Shillings for the first Offence, and on conviction a second Time, the Party is to be bound to his good Behaviour for 6 Months. 4 Jac. 1.

The *Drunkard debases himself*, and sinks below even the *brutal Nature*, for *Brutes* wo'nt be drunk; *Man, foolish Man*, only by painful Practice arrives at that *Priviledge*; ill Men take more Pains to be excessively bad, than Men of good Dispositions do to attain to exalted Virtue: The Industry of the one, will even shame the Sloathfulness of the other at the last Day; the *sloathful Servant* was called *Wicked*.

There is a Penalty on the Alehouse-keepers, Inn-keepers and Vitlers, that suffer *Tipling in Ale-houses*. People

38

People to continue Tippling in their Houses. These Houses were never intended to entertain loose and idle People, to squander away their Time and Money, by sitting guzzling there for many Hours: But for poor People, that are labouring Men, to refresh themselves after their Work, that cannot lay in Stocks of their own, and to entertain Travellers in their Passage on their lawful Occasions.

Stocks.

You are to present all Parishes that have not Stocks, Whipping-posts and Cages in them: The want of this last, occasions very often great Expences to Parishes remote from hence, and sometimes the escape of Criminals, while the Facts are under Examination.

Generals.

And if there are any things else of a publick Nature, that are mischievous to Mankind, that I have omitted, you are to Present them also from the highest to the lowest Offences, from Treason to Trespass.

*Exhorta-
tion.*

You see now Gentlemen, how the Common and Statute Law have provided against all manner of Wickedness.

No Nation under Heaven has better Laws than we have; besides, we have every Sessions of Parliament, (which sits annually) new Laws made to redress emergent Evils;

Evils; but yet the Nation is but little amended by them.

What is the Reason of it? 'Tis because the *Laws* are not duly put in *Execution*; Foreigners may justly complain, that our *Laws* are *very numerous, and ill executed,* which is a Reproach to the Nation.

If you Gentlemen of the *grand Inquest*, would be industrious in presenting the *Enormities* you know of; What with the excellent *Discourses*, and *virtuous Lives* of our *Learned Divines* of the Church of England: What with your Presentments of *Immoralities and Profaneness*; and the *Justices of the Peace* of the Kingdom, executing speedy *Justice* against all such Offenders, and giving a good Example.

It may still be hoped, that the Nation may be somewhat amended and Reform'd.

Atheism and Irreligion quite *Discountenanc'd*; *Virtue and Piety* encourag'd, and thereby the Honour of God promoted, which will bring down Blessings from Heaven upon the Nation; for holy Writ tells us, *They that Honour God, God will Honour, but they that despise Him, shall be lightly Esteem'd.*

I pray God direct you in your Presentments.

F I N I S.

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